By virtue of section 5 paragraph three and section 20(1) of the Hazardous Substance Act B.E. 2535 (1992), which contains some provisions concerning the limitation of the people rights and liberties that is permissible by the provisions of section 29 together with section 31, section 35, section 39, section 48 and section 50 of the Constitution of the Kingdom of Thailand, the Minister of Industry, with the opinion of the hazardous substance committee, hereby issues the criteria, procedure, and condition for insurance for hazardous substance transportation as follows:

Article 1 In this Notification, “transportation” shall mean all types of land transportation of hazardous substances except by rail.

Article 2 Transporter of hazardous substance using fixed tanks, demountable tanks, tank-containers, tank swap bodies with shells made of metallic materials, battery-vehicles, fiber-reinforced plastics tanks (FRP), and vacuum operated waste tanks shall have insurance for damage from hazardous substance transportation other than liability insurance under the Accident Victim Act B.E. 2535 (1992).

Insurance under paragraph one shall be done with insurance company that obtains license for doing insurance business under the law governing insurance.

Insurance for damage from hazardous substance transportation under this Ministerial Notification shall cover the damage caused by release, explosion, or ignition of hazardous substance being transported in all cases and resulting in,

(1) Damage to life or health of other people, except that such people are offender themselves.

(2) Damage to property of other people, except that such people are offender themselves.

(3) Cost in cleaning, transferring, treatment, and alleviation, including remediation to the original condition or close to the original condition and also damage to animals, plants, the environment, natural resources, public property or property with no owner.

The coverage shall start when a vehicle transporting hazardous substance takes off and reaches its destination.

Article 3 Insurance coverage under this Ministerial Notification shall not be less than the following.

(1) Coverage for Article 2(1) shall not be less than 100,000 Bahts per person and not less than 10,000,000 Bahts per event.

(2) Coverage of Article 2 in total shall not be less than 30,000,000 Bahts per event.

Article 4 Transporter of hazardous substance shall present original copy of insurance for each vehicle and submit its copy to Department of Industrial Works for record. Transporter shall have insurance covered throughout its business operation period.
Article 5 Insurance coverage under this Ministerial Notification shall not overrule the right to sue for liability damage under the law on civil liability and business.

This shall, thus, enter into force on the day following the date of its publication in the Government Gazette.

Announced on the 26th day of January B.E. 2549 (2006)

(signed)___________________________________

(Mr.Suriya Jeungrungreungkij)

Minister of Industry

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